



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/714,558
Filing Date: November 13, 2003
Applicant: Watson et al.
Group Art Unit: 1714
Examiner: Unassigned
Title: MOLD-IN COLOR PANELS
Attorney Docket: 7998-000022/CPC

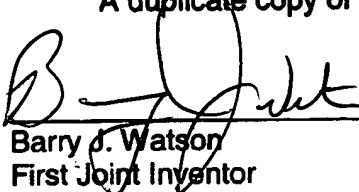
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION BY JOINT INVENTORS FILING ON BEHALF OF OTHER JOINT
INVENTOR WHO REFUSES TO JOIN IN APPLICATION OR CANNOT BE REACHED
(37 C.F.R. § 1.47(a))**

- I. I, a joint inventor of the above identified application, sign below and petition to make this application on behalf of the non-signing joint inventor Kris W. Winowiecki, who refuses to join in the application.
- II. This petition is accompanied by proof of the pertinent facts and the last known address of the non-signing inventor as set forth in the accompanying:

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF
NONSIGNING INVENTOR (37 C.F.R. § 1.47).**

III. The fee set forth in § 1.17(h) (\$130.00), required by 37 C.F.R. § 1.47(a) is paid by a check which is attached.
A duplicate copy of this document is enclosed.


Barry J. Watson
First Joint Inventor

7/6/04
Date


Perry J. Palarca
Second Joint Inventor

7/6/04
Date


Kenneth C. English
Third Joint Inventor

7/6/04
Date



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/714,558

Filing Date: November 13, 2003

Applicant: Watson et al.

Group Art Unit: 1714

Examiner: Unassigned

Title: MOLD-IN COLOR PANELS

Attorney Docket: 7998-000022/CPC

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING
INVENTOR (37 CFR §1.47(a))
AND LAST KNOWN ADDRESS OF NON SIGNING INVENTOR**

Sir:

STATEMENT OF FACTS

1. The above referenced patent application is a continuation-in-part (CIP) of pending U.S. Serial Patent application 10/437,953 (henceforth "the parent application").
2. A Notice to file missing parts including an oath or declaration dated February 18, 2004 was mailed for the CIP application by the U. Patent Office.
3. Mr. Winowiecki is a joint inventor of the parent application and has assigned his rights to LDM Technologies ("LDM").

4. Plastech Engineered Products ("Plastech") acquired LDM on February 14, 2004.

5. The undersigned attorney's law firm Harness, Dickey & Pierce represents Plastech in the prosecution of the parent application and the CIP.

6. It is believed that Mr. Winowiecki is a joint inventor for the CIP.

7. Diligent efforts were made by undersigned attorney on behalf of Plastech to obtain the signature of the non-signing joint inventor Kris Winowiecki for the CIP application starting in March 24, 2004. These efforts, which are outlined below, have failed to date.

8. On March 24, 2004, the undersigned attorney mailed an explanatory letter accompanied by declaration and assignment documents to Ian McLeod, Esq., who was believed to represent Kris Winowiecki in intellectual property matters, and requested that Mr. Winowiecki sign these documents. A copy of the letter of March 24, 2004 is attached under tab A.

9. In a letter dated March 31, 2004 and addressed to the undersigned attorney, Mr. McLeod indicated that for various reasons he was not "interested in doing anything further to facilitate this matter" and that he would advise Mr. Winowiecki not to sign the documents. The letter of March 31, 2004 is attached under tab B.

10. On April 13, 2004, the undersigned attorney mailed a letter to Mr. McLeod expressing the undersigned's understanding that Mr. McLeod was not willing to represent Mr. Winowiecki in this matter, and informing Mr. McLeod of undersigned attorney's intent to contact Mr. Winowiecki directly. The letter of April 13, 2004 is attached under tab C.

11. On April 13, 2004, the undersigned mailed an explanatory letter to Kris Winowiecki enclosing the CIP application, and the declaration and assignment documents for Mr. Winowiecki's signature. The letter of April 13, 2004 is attached under tab D.

12. On May 25, 2004, the undersigned mailed a letter to Mr. Winowiecki expressing the undersigned's understanding that Mr. Winowiecki was not willing to sign the documents. The letter of May 25, 2004 is attached under tab E.

13. A letter dated June 1, 2004 was mailed by Mary Moyne of McLeod & Moyne, P.C. to Plastech, as representing Mr. Winowiecki. In this letter, Ms. Moyne disputed Mr. Winowiecki 's obligation to assign the CIP to Plastech. The letter of June 1, 2004 is attached under tab F.

14. The letter of June 1, 2004 appears to offer the following reasons for Mr. Winowiecki's refusal to sign:

- a. that the claims and disclosure of the CIP application were expanded beyond those of the parent application.
- b. that some material disclosed in the CIP application is also the subject matter of another patent application filed by Mr. Winowiecki (U.S. Patent Application Serial No. 10/176,008).
- c. that Mr. Winowiecki wished to discuss the test data presented in the CIP application with the other joint inventors.

15. The undersigned attorney is herein limited to stating only facts, but can provide additional information and arguments at the request of the Examiner to support the conclusion why the above reasons a, b, and c are believed to be irrelevant to Mr.

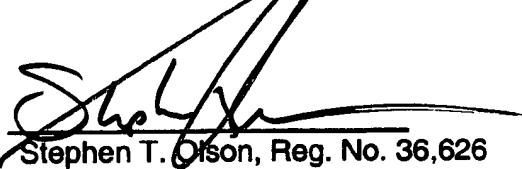
Winowiecki's obligation to sign the declaration and assignment papers.

LAST KNOWN ADDRESS OF NON-SIGNING INVENTOR

Kris W. Winowiecki
9106 Blueberry Hill
Howell, MI 48843
or

c/o McLeod&Moyne, P.C.
2190 Commons Parkway
Okemos, MI 48804

Respectfully submitted,

By: 
Stephen T. Olson, Reg. No. 36,626

Dated: July 13, 2004
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

STO/MAC/mb

BEST AVAILABLE COPY

HARNESS, Dickey & PIERCE, P.L.C.

ATTORNEYS AND COUNSELORS

5445 CORPORATE DRIVE

TROY, MICHIGAN 48098

TELEPHONE (248) 641-1600

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www.hdp.com

ST. LOUIS, MISSOURI

RESTON, VIRGINIA

March 25, 2004

*Via Facsimile
Confirmation by U.S. Mail*

Ian McLeod, Esq.
McLeod & Moyne, P.C.
2100 Commons Parkway
Okemos, MI 48864

**Re: United States Serial No. 10/714,558
Title: "Mold-In Color Panels"
Filed: November 13, 2003
Our Reference No.: 7998-000022/CPC**

Dear Ian:

As you will recall, you filed a patent application entitled "Polypropylene and Plastomer Compositions and Method of Use Thereof in Molded Products" on behalf of Mr. Kris Winowiecki that was assigned U.S. Serial No. 10/437,953. Mr. Winowiecki assigned his rights in this application to LDM in view of the independent contractor agreement Mr. Winowiecki had with LDM. I note that my firm now has the responsibility of prosecution.

On November 13, 2003, we filed a continuation-in-part application claiming priority to U.S. Serial No. 10/437,953 entitled "Mold-In Color Panels". A PCT application was concurrently filed. The unsigned papers filed with the application name Mr. Winowiecki, among others, as an inventor. Enclosed in connection with the U.S. case are the formal papers for Mr. Winowiecki's execution. Also enclosed are a Declaration and Power of Attorney and an Assignment¹. Please have Mr. Winowiecki execute and return the enclosed document to us within two weeks. I need to respond to a Notice of Missing Parts by April 18, 2004. If you would rather that I contact Mr. Winowiecki directly on this matter, please let me know. We will arrange for execution by the other inventors.

¹ You will note that the assignee of the Assignment is Plastech Engineered Products. Plastech acquired LDM on February 14, 2004. We continue to represent Plastech on this matter.

BEST AVAILABLE COPY

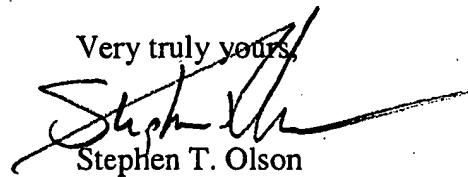
Mr. Ian McLeod, Esq.

March 24, 2004

Page 2 of 2

Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen T. Olson".

Stephen T. Olson

STO/srh

Enclosures

c: Drew Baker, Esq.

MCLEOD & MOYNE, P.C.
ATTORNEYS AND COUNSELORS AT LAW
PATENTS, TRADEMARKS AND COPYRIGHTS

IAN C. MCLEOD
MARY M. MOYNE
STEVEN E. MERRITT

2004 March 31

2190 COMMONS PARKWAY
OKEMOS, MICHIGAN 48864
TELEPHONE (517) 347-4100
FACSIMILE (517) 347-4103

Steve T. Olson, Esq.
Harness, Dickey & Pierce, P.L.C.
5445 Corporate Drive
Troy, Michigan 48098

Re: Winowiecki 4.1-2
Serial No. 10/714,558
Title: Mold-In Color Panels
Inventors: Barry Watson, Perry J.
Palanca, Kenneth C. English and Kris
W. Winowiecki
Your Ref: 7998-000022/CPC

Dear Steve:

I have reviewed your letter of March 25, 2004, in reference to a continuation-in-part application. Kris Winowiecki can not legally sign the papers without a copy of the application.

You need to explain why the CIP was necessary. Also, you need to explain why Kris Winowiecki is obligated to assign this new application to Plastech.

I note that LDM refused to pay \$ 2,569.71. Thus, I am not interested in doing anything further to facilitate this matter. I would advise Kris Winowiecki not to sign the papers for the above reasons.

If there are any questions, please let me know.

Best wishes.

Sincerely,



Ian C. McLeod
ICM/jrh

cc: Kris Winowiecki (E)

2004 APR -2 A q:40

TR0Y
H D 2 P

HARNESS, DICKEY & PIERCE, P.L.C.

ATTORNEYS AND COUNSELORS

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ST. LOUIS, MISSOURI

RESTON, VIRGINIA

April 13, 2004

Via Facsimile Only

Ian McLeod, Esq.
McLeod & Moyne, P.C.
2100 Commons Parkway
Okemos, MI 48864

Re: United States Serial No. 10/714,558
Title: "Mold-In Color Panels"
Filed: November 13, 2003
Our Reference No.: 7998-000022/CPC

Dear Mr. McLeod:

This will respond to your letter of March 24, 2004. I understand that you are unwilling to represent Mr. Winowiecki relative to this matter. Accordingly, I will direct future correspondence directly to Mr. Winowiecki.

With respect to your position that LDM owes you \$2,569.71, I would encourage you to take this matter up with Plastech if you feel it remains an issue.

Very truly yours,

Stephen T. Olson
Stephen T. Olson *cah.*

STO/srh

c: Kris Winowiecki

HARNESS, DICKEY & PIERCE, P.L.C.
ATTORNEYS AND COUNSELORS
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ST. LOUIS, MISSOURI 13 RESTON, VIRGINIA

April 12, 2004
828
Via Federal Express

Kris W. Winowiecki
9106 Blueberry Hill
Howell, MI 48843

Re: United States Serial No. 10/714,558
Title: "Mold-In Color Panels"
Filed: November 13, 2003
Our Reference No.: 7998-000022/CPC

Dear Kris:

As you will recall, a patent application entitled "Polypropylene and Plastomer Compositions and Method of Use Thereof in Molded Products" was filed in your name and assigned U.S. Serial No. 10/437,953. You assigned your rights in As I think you know, my firm now has the responsibility for prosecution of this application.

On November 13, 2003, we filed a continuation-in-part application entitled "Mold-In Color Panels" which claims priority to U.S. Serial No. 10/437,953. We considered the continuation-in-part application necessary in view of the scope of the application prepared by Ian McLeod and further in view of continued product development. A PCT application was concurrently filed. Copies of these applications are enclosed. As you will note, the unsigned papers filed with the application name you, among others, as an inventor.

Enclosed in connection with the U.S. case are the Declaration and Power of Attorney; and Assignment¹ for your execution. Enclosed in connection with the PCT application is the PCT Power of Attorney.

Please execute and return the enclosed document to us via overnight courier as soon as possible. For your convenience, we have enclosed a return Federal Express envelope. We will arrange for execution by the other inventors.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Stephen T. Olson
Stephen T. Olson

STO/srh

Enclosures

c: Drew Baker, Esq.

¹ You will note that the assignee of the Assignment is Plastech Engineered Products. As you may know, Plastech acquired LDM on February 14, 2004. We continue to represent Plastech on this matter.

Ref: 7998-000022/CPC STO Date: 13APR04 SHIPPING \$8.54
Dept: SERVICE: PRIORITY OVERNIGHT
TRACK: 6287 9859 7416 Wgt: 1 LBS SPECIAL \$0.56
TOTAL \$9.10 HANDLING \$0.00

HARNESS, DICKEY & PIERCE, P.L.C.

ATTORNEYS AND COUNSELORS

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ST. LOUIS, MISSOURI

RESTON, VIRGINIA

May 25, 2004

Kris W. Winowiecki
9106 Blueberry Hill
Howell, Michigan 48843

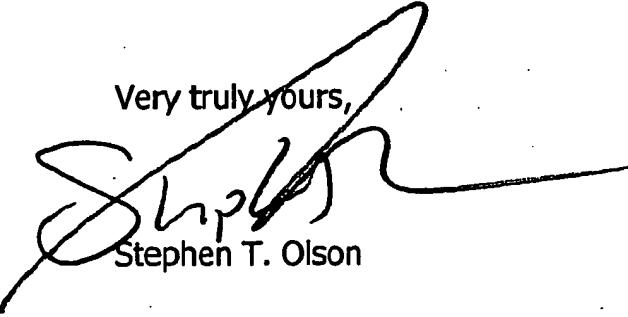
Re: United States Serial No. 10/714,558
For: MOLD-IN COLOR PANELS
Filed: November 13, 2003
Our Ref. No.: 7998-000022/CPC

Dear Kris:

We wrote to you on April 13, 2004 regarding execution of the formal papers for the above patent application. In this regard, we forwarded to you the Declaration and Power of Attorney and Assignment for your execution. For a related PCT case, we forwarded you a PCT Power of Attorney. It has been more than a month and we have not heard from you.

At this point we have assumed that you are not willing to sign the formal papers. If our understanding is not correct, please contact me immediately to arrange for execution. Otherwise, we intend to proceed with prosecution without your cooperation.

Very truly yours,


Stephen T. Olson

STO/kgg
Enclosures

c: Drew Baker, Esq.

From:

06/03/2004 15:46 #332 P.003/004

06/01/2004 10:14 FAX 13115414103

MCLEOD & MOYNE

06/02/004

MCLEOD & MOYNE, P.C.
ATTORNEYS AND COUNSELORS AT LAW
TRADEMARKS AND COPYRIGHTS

LAW C. MCLEOD
MARY M. MOYNE
STEVEN H. MERRITT

2004 June 1

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TELEPHONE (517) 347-4100
FACSIMILE (517) 347-4101

VIA FACSIMILE
1-313-792-2729

Kelvin Scott, Esq.
PLASTECH ENGINEERED PRODUCTS
22000 Garrison
Dearborn, Michigan 48124

Re: Winowiecki 4.1-3
(Continuation-in-part of 4.1-2)
Title: Mold-In Color Panels
Inventors: Barry J. Watson, Perry
J. Palanca, Kenneth C. English
and Kris W. Winowiecki

Dear Mr. Scott:

Our firm represents Mr. Kris Winowiecki in his intellectual property matters. Recently, Mr. Winowiecki received a copy of a U.S. patent application entitled "Mold-In Color Panels" (1029 Application) from Mr. Steve Olson of Harness, Dickey & Pierce, P.L.C. Mr. Winowiecki has been requested to sign formal papers relating to the 1029 Application. The formal papers include an assignment of the 1029 Application to Plastech Engineered Products (Plastech).

The 1029 Application is a continuation-in-part of a previous application (1028 Application) assigned by Mr. Winowiecki to LDM Technologies. However, the claims and disclosure of the 1029 Application are expanded far beyond those in the 1028 Application. The 1029 Application includes butene-1 homopolymers which were never mentioned in the 1028 Application and are the subject matter of another patent application filed by Mr. Winowiecki. This application was disclosed to the Harness firm on an "attorney's eyes only basis" before filing of the 1029 Application. Mr. Winowiecki's patent application has been allowed and a patent will issue on the patent application in the near future.

Mr. Winowiecki assigned the 1028 Application to LDM Technologies as part of an agreement with LDM Technologies. Mr. Winowiecki is also to receive royalties under this agreement. Mr. Winowiecki is under no obligation to assign the 1029 Application to LDM Technologies or Plastech.

From:

06/03/2004 15:46 #332 P.004/004

06/01/2004 15:14 FAX 15115414100

MCLEOD & MOYNE

06/03/2004

MCLEOD & MOYNE, P.C.

Kelvin Scott, Esq.
Page 2
2004 June 1

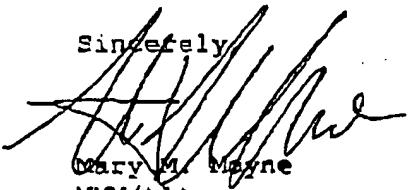
Furthermore, after reviewing the 1029 Application, Mr. Winowiecki has some questions regarding the results of some of the test data cited in the 1029 Application. Therefore, before signing any documents relating to the 1029 Application, Mr. Winowiecki would need to discuss the test data with the other listed inventors.

Mr. Winowiecki would be willing to discuss licensing the 1029 Application to Plastech. However, unfinished matters between Mr. Winowiecki and LDM Technologies regarding payment to Mr. Winowiecki's attorneys, must first be resolved. Namely, Plastech would need to make full payment of monies owed to Mr. Winowiecki's attorneys based on agreements between Mr. Winowiecki and LDM Technologies to pay Mr. Winowiecki's legal fees to Fraser, Trebilcock, Davis & Dunlap and McLeod & Moyne, P.C. in connection with the Rowen Waters vs. LDM Technologies lawsuit and to pay the fees of Mr. McLeod of McLeod & Moyne, P.C. for preparation of the 1028 Application. These fees in total are approximately \$12,800. 7.7

We look forward to hearing from you in the near future to discuss this matter.

If there are any questions, please let me know.

Sincerely,


Mary M. Moyne
MMM/tlt

cc: Mr. Kris Winowiecki
Mark Fox, Esq.